

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBERT L. BYRNES,

Civil No. 04-4577 (DSD/JJG)

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

**METROPOLITAN LIFE INSURANCE
COMPANY,**

Defendant.

Based upon the Report and Recommendation by United States Magistrate Judge Jeanne J. Graham dated February 16, 2006; all the files, records, and proceedings herein; and no objections having been filed to that Report and Recommendation;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Without Prejudice (Doc. No. 29) is **GRANTED**, and plaintiff Robert Byrnes' claims and action against defendant Metropolitan Life Insurance Company is **DISMISSED WITHOUT PREJUDICE**, without cost to any parties. Plaintiff is free to file his complaint anew, pursuant to all applicable rules of procedure and laws of limitations, once he has determined the proper course for the representation of his claims going forward.

Dated: March 13, 2006

s/David S. Doty
David S. Doty, Judge
United States District Court